

AMENDED IN ASSEMBLY AUGUST 14, 2006

AMENDED IN ASSEMBLY AUGUST 22, 2005

AMENDED IN ASSEMBLY JULY 12, 2005

AMENDED IN SENATE MAY 3, 2005

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 441

Introduced by Senator Soto

February 17, 2005

~~An act to add Section 739.11 to the Public Utilities Code, relating to electricity. An act to amend Section 1 of Chapter 833 of the Statutes of 1988, relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 441, as amended, Soto. ~~Electricity: rates: advanced metering infrastructure.~~ *Parks and recreation: Glen Helen Regional Park.*

(1) Existing law authorizes the County of San Bernardino to grant an easement for road purposes across lands within the Glen Helen Regional Park acquired with moneys received pursuant to the Roberti-Z'berg Urban Open-Space and Recreation Program Act under specified conditions.

This bill would, in addition, authorize the County of San Bernardino, under the same specified conditions, to grant a fee interest in properties, or portion thereof, for which an easement has been granted for road purposes. The bill would also make technical corrections.

(2) *This bill would declare that it is to take effect immediately as an urgency statute.*

~~(1) Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Existing law authorizes the commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. Existing law requires electrical corporations furnishing electricity to an agricultural producer to prepare and file tariffs providing for optional off-peak demand service, including the availability of time-differentiating meters or other measurement devices.~~

~~This bill would, with certain exceptions, prohibit the commission from requiring the installation of advanced metering infrastructure, as defined, for any building constructed prior to January 1, 2006, and occupied by a customer with average annual electricity usage of less than 1,000 kilowatthours per month, unless the commission first evaluates certain factors, as specified.~~

~~(2) Under existing law, a violation of the Public Utilities Act or an order or direction of the commission is a crime.~~

~~Because the provisions of this bill would be a part of the act and a violation of any of those provisions would be a crime, the bill would impose a state-mandated local program by creating a new crime.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~yes~~
no. State-mandated local program: ~~yes~~^{no}.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1 of Chapter 833 of the Statutes of 1988
2 is amended to read:

3 Section 1. Notwithstanding any other provision of law, the
4 County of San Bernardino may *grant*, pursuant to subdivision (a)
5 of Section 5626 of the Public Resources Code, ~~grant~~ an easement
6 for road purposes across lands within the Glen Helen Regional
7 Park acquired with grant moneys received pursuant to the

~~Roberti-Z'berg~~ *Roberti-Z'berg-Harris* Urban Open-Space and Recreation Program Act(, Chapter 3.2 (commencing with Section 5620)) of Division 5 of the Public Resources Code, *or a fee interest in the same property, or portion of that property,* subject to an exchange for, or acquisition of, property of equal or greater recreation value, as determined by the Department of Parks and Recreation, and at no cost to the state. Any property acquired shall be utilized solely for park purposes and shall be subject to all applicable requirements of the ~~Roberti-Z'berg~~ *Roberti-Z'berg-Harris* Urban Open-Space and Recreation Program Act.

SEC. 2. *This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:*

In order to authorize the completion of the transaction to create a road facilitating access to Glen Helen Regional Park and adjacent development at the earliest possible time, it is necessary that this act take effect immediately.

~~SECTION 1. The Legislature finds and declares all of the following:~~

~~(a) The Public Utilities Commission is currently considering authorizing or requiring electrical corporations to install advanced metering infrastructure (AMI) for their customers, including all existing residential and small commercial customers, regardless of their size or location.~~

~~(b) Electrical corporations have already requested over one hundred twenty million dollars (\$120,000,000) to spend in 2005 in order to prepare to install AMI in early 2006.~~

~~(c) The entire statewide cost of AMI installation is estimated at several billion dollars.~~

~~(d) The commission has not conducted any evidentiary hearings to determine whether universal installation of AMI for small customers will be cost effective for those customers.~~

~~SEC. 2. Section 739.11 is added to the Public Utilities Code, to read:~~

~~739.11. (a) For purposes of this section, "advanced metering infrastructure" means interval data recording meters, along with two-way communications and any other equipment necessary for the installation and operation of the meters.~~

1 ~~(b) Except as provided in Sections 353.3 and 393, the~~
2 ~~commission shall not require the installation of advanced~~
3 ~~metering infrastructure for any building constructed prior to~~
4 ~~January 1, 2006, and occupied by a customer with annual~~
5 ~~average usage of less than 1,000 kilowatthours per month, unless~~
6 ~~it first evaluates the following:~~

7 ~~(1) The effect on average annual electricity rates for~~
8 ~~residential and small commercial customer classes for every year~~
9 ~~of repayment for the AMI investment.~~

10 ~~(2) The bill impacts of any proposed mandatory~~
11 ~~time-differentiated rates on residential customers in hot climate~~
12 ~~zones.~~

13 ~~(3) The amount of peak load reduction contrasted with other~~
14 ~~demand reduction program alternatives.~~

15 ~~(4) The feasibility and cost effectiveness of partial deployment~~
16 ~~in selected zones contrasted with deployment throughout an~~
17 ~~entire service territory of an electrical corporation.~~

18 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
19 ~~Section 6 of Article XIII B of the California Constitution because~~
20 ~~the only costs that may be incurred by a local agency or school~~
21 ~~district will be incurred because this act creates a new crime or~~
22 ~~infraction, eliminates a crime or infraction, or changes the~~
23 ~~penalty for a crime or infraction, within the meaning of Section~~
24 ~~17556 of the Government Code, or changes the definition of a~~
25 ~~crime within the meaning of Section 6 of Article XIII B of the~~
26 ~~California Constitution.~~